

IN THE DRAWINGS

Please replace Figures 1-5 with the attached Replacement Figures 1-5. The Replacement Figures 1-5 are labeled as "Prior Art".

REMARKS

Initially, Applicants would like to address the statement in the Official Action that "most of the NPL [presumably "non patent literature"] was not considered since they were not provided". In this regard, notes on the PTO-1449 forms submitted with an Information Disclosure Statement submitted on March 24, 2004 indicate that several of the documents were "not provided". Further, these references were crossed out on the PTO-1449 forms and indicated as "not provided". Applicants note that these documents were not provided in the present application pursuant to 37 C.F.R. §1.98(d), i.e., because they were cited by either Applicants or the Examiner in earlier applications upon which the present application relies for an earlier filing date under 35 U.S.C. §120. Thus, the provision of copies is not required.

Accordingly, Applicants respectfully request that the Examiner clarify whether he has inspected the earlier applications upon which the present application relies for an earlier filing date, and whether such an inspection failed to yield copies of the cited documents. In this regard, Applicants note that each of the cited documents was considered by Examiner(s) of the earlier application(s), and are listed on the front page of, e.g., U.S. Patent No. 6,477,661 (which was issued based on an earlier application upon which the present application relies for an earlier filing date).

Applicants thus request, for the second time, that the Examiner indicate consideration of all the cited documents, including the foreign patent documents as well as the non-patent literature, or particularly provide his basis for requiring copies of these documents, in view 37 C.F.R. §1.98(d).

In any case, with the next Official Action, Applicants respectfully request that the Examiner initial each of the references listed on the attached PTO-1449 form, and not cross out any such reference, so as to ensure that the record clearly reflects that these references were considered by the Examiner. Applicants respectfully request that the Examiner return the initialed PTO-1449 form with the next Official Action in the present application.

In the outstanding Official Action, the drawings were objected-to, and corrected replacement drawings for Figures 1-5 were required. Claims 2 and 5 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-8 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-13 of U.S. Patent No. 6,477,661. Claims 1-8 were rejected under 35 U.S.C. §103(a) over ARAKI et al. (U.S. Patent No. 5,946,361) in view of YAMASHITA et al. (U.S. Patent No. 4,614,933).

Applicants traverse the objection to the drawings. In this regard, upon entry of the present amendment, Applicants will have replaced Figures 1-5 with the attached replacement sheets of drawings which label each of Figures 1-5 as "Prior Art". In view of the attached replacements sheets of drawings, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

Upon entry of the present amendment, claims 1-8 will have been replaced with claims 10-23. The herein-contained new claims should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejections. Rather, Applicants have added new claims 10-23 to advance prosecution of the present

application and to obtain early allowance of claims.

Applicants traverse the rejection of claims 1-8 under the judicially created doctrine of obviousness-type double patenting. In this regard, new independent claims 10 and 17 and dependent claims 11-16 and 18-23 have been revised to recite features that are clearly not obvious variations of the features recited in the claims of U.S. Patent No. 6,477,661. Accordingly, if a rejection of claims 10-23 under the judicially created doctrine of obviousness-type double patenting is set forth, Applicants respectfully request that the Examiner provide a specific and proper motive, found in the prior art, for each difference between new claims 10-23 and the claims of U.S. Patent No. 6,477,661, as to why it would be obvious to modify the teachings of the claims of U.S. Patent No. 6,477,661 such that any or all of claims 10-23 would result. In any case, Applicants submit that no such proper motivation exists, and Applicants therefore respectfully request reconsideration and withdrawal of the outstanding rejection under the judicially created doctrine of obviousness-type double patenting.

Applicants traverse the rejection of claims 2 and 5 under 35 U.S.C. §112, second paragraph. In this regard, upon entry of the present amendment, claims 1-8 will have been replaced with claims 10-23, and none of claims 10-23 includes the features of claims 2 and 5 which were indicated by the Examiner as indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §112, second paragraph.

Applicants traverse the rejection under 35 U.S.C. §103(a). In this regard, new independent claims 10 and 17 are directed to executing addition, comparison and

selection (ACS) operations by instructions of a digital signal processor. Two parallel comparisons are performed, and two selected data are provided as a higher part and a lower part of output data. The results of the two comparisons are stored in a register.

In contrast to the invention recited in claims 10 and 17, ARAKI is directed to only single ACS operations, and not multiple parallel operations. Further, YAMASHITA is directed only to hard-wired implementations of ACS operations, and not the combination of features of claims 10 and 17 as described above which define a digital signal processor.

Further, the Official Action itself is unclear as to how ARAKI would benefit from modification with the teachings of YAMASHITA, insofar as ARAKI is not concerned with multiple operations let alone multiple parallel operations, and YAMASHITA is directed to a hard-wired implementation. Accordingly, Applicants submit that there is no proper motivation to modify ARAKI with the teachings of YAMASHITA; nor does the outstanding Official Action set forth any such proper motivation. Accordingly, the only motivation to modify ARAKI with the teachings of YAMASHITA is the Examiner's improper motivation to obtain the combinations recited in Applicants' claims in hindsight.

In any case, even the combination of ARAKI and YAMASHITA would not result in the combination of features recited in claims 10 and 17, as merely providing the hard-wired implementation of YAMASHITA to ARAKI would not result in the combination claimed in independent claims 10 and 17 or dependent claims 11-16 and 18-23.

Accordingly, in view of the herein-contained amendments and remarks,

Applicants respectfully submit that independent claims 10 and 17 are now in condition for allowance. Applicants further submit that dependent claims 11-16 and 18-23 are now in condition for allowance at least for depending, directly or indirectly, from an allowable independent claim as well as for additional reasons related to their own recitations. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the claims now pending.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have presented replacement Figures 1-5. Applicants have also submitted new claims to more clearly recite the features of the claimed invention, and have explained how the combinations of features recited in the new claims are not disclosed, suggested or rendered obvious by any of the documents applied in the outstanding rejections, whether considered alone or in any proper combination.

The new claims which have been added in this amendment, which have not been specifically noted as being added to overcome a rejection based upon the prior art, should be considered to have been added for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is respectfully invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Ryutaro YAMANAKA et al.

  
Joshua M. Povsner  
Reg. #42,086

---

Bruce H. Bernstein  
Reg. No. 29,027

March 20, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191